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REMARKS

By this Amendment, the specification is amended to provide the Serial No. and filing date of the related application. No new subject matter is presented.

By this Amendment, independent claims 1 and 17 and dependent claim 6 are amended to provide proper antecedent basis. Independent claims 1 and 17 and dependent claims 8, 9, 23 and 24 are amended to more clearly define the claimed invention. Claims 10-16 and 25-28 are canceled, without prejudice. Claims 2-5, 7 and 18-22 remain as originally filed. No new claims are presented for examination. Accordingly, claims 1-9 and 17-24 remain pending in the application.

Specification

The "Cross Reference To Related Applications" section (paragraph [0001]) of the application is amended to provide the Serial No. and filing date of the related application. Accordingly, Applicants respectfully request withdrawal of the objection to the specification.

Claim Rejections – 35 U.S.C. §112

Pursuant to the Office Action, claims 1, 8, 17 and 23 stand rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which Applicants regard as the invention. Claims 1 and 17 recite "the assembly process," which lacks proper antecedent basis. Independent claims 1 and 17 are amended to provide proper antecedent basis for "the assembly process" and dependent claim 6 is amended to recite "the assembly process." Claims 8 and 23 are vague because they fail to indicate what is filled through the aperture. Dependent claims 8 and 23 are amended to remove the reference to the function of the "aperture." Accordingly, Applicants respectfully request the Examiner to withdraw the rejections to the claims 1-9 and 17-24 under 35 U.S.C. 112, second paragraph.

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### Claim Rejections – 35 U.S.C. §103

Pursuant to the Office Action, claims [1-9 and 17-24] stand rejected under 35 U.S.C. 103(a) as being unpatentable (obvious) over United States Patent Application 2005/0213890 (Barnes et al.). The Examiner asserts that Barnes et al. “teaches a field-installable *fusion* optical fiber connector assembly” comprising essentially all of the claimed limitation. See Office Action at pages 3-5 (emphasis added). The Examiner readily admits, however, that Barnes et al. does not explicitly state that the “assembly is a kit and that the ferrule [has] an outer diameter of about 1.25 millimeters.” Office Action at page 5.

Applicants respectfully traverse the rejection. With regard to the merits of the rejection, Applicants submit that Barnes et al. is not available as a proper prior art reference to the present application. 35 U.S.C. 103(c)(1) states in relevant part:

Subject matter developed by another person which qualifies as prior art *only* under one or more of subsections (e), (f) and (g) of section 102 of this title, *shall not* preclude patentability under this section where the subject matter and the claimed invention were, at the time the claimed invention was made, *owned by the same person or subject to an obligation of assignment to the same person*. (Emphasis added).

Barnes et al. qualifies as prior art only under section 102(e). At the time the claimed invention of the present application was made, the subject matter (Barnes et al.) and the claimed invention were owned by the same person or were subject to an obligation of assignment to the same person, namely the assignee of the present application Corning Cable Systems LLC. Accordingly, Barnes et al. is not available as a proper prior art reference to the claimed invention. Therefore, the pending claims 1-9 and 17-24 are patentable over Barnes et al. for at least this reason.

Furthermore, Barnes et al. is directed to a *mechanical* fiber optic splice connector. Thus, Barnes et al. does not identically disclose or arguably suggest the claimed *splice cover having a first end and a second end and a longitudinal passage extending from the first end to the second for housing a fusion splice of the fiber optic stub*. The Examiner identifies the top (upper) splice

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member 26 of the Barnes et al. mechanical splice connector as "housing a fusion splice of the fiber optic stub 14." Office Action at page 4. However, the splice member 26 operates to create a *mechanical* splice between the fiber optic stub and an optical fiber of a fiber optic cable. Thus, independent claims 1 and 17 are patentable over Barnes et al. for at least this additional reason. Claims 2-9 and 18-24 depend directly or indirectly from patentable base claims 1 and 17, respectively, and therefore are likewise patentable for at least the same reason. Accordingly, Applicants respectfully request the Examiner to withdraw the instant rejection to the pending claims 1-9 and 17-24 under 35 U.S.C. 103(a).

Pursuant to the Office Action, claims [1-9 and 17-24] also stand rejected under 35 U.S.C. 103(a) as being unpatentable (obvious) over United States Patent Application 20010002220 (Throckmorton et al.). The Examiner asserts that Throckmorton et al. "teaches a field-installable *fusion* optical fiber connector assembly" comprising essentially all of the claimed limitation. See Office Action at pages 5-7 (emphasis added). The Examiner readily admits, however, that Throckmorton et al. does not explicitly state that the "assembly is a kit and that the ferrule [has] an outer diameter of about 1.25 millimeters." Office Action at page 6.

Applicants respectfully traverse the rejection. Throckmorton et al. is directed to a *mechanical* fiber optic splice connector. Thus, Throckmorton et al. does not identically disclose or arguably suggest the claimed *splice cover having a first end and a second end and a longitudinal passage extending from the first end to the second for housing a fusion splice of the fiber optic stub*. The Examiner identifies the top (upper) and bottom (lower) splice members 24a,24b of the Throckmorton et al. mechanical splice connector as "housing a fusion splice of the fiber optic stub 14." Office Action at page 6. However, the splice members 24a,24b operate to create a *mechanical* splice between the fiber optic stubs and optical fibers of a fiber optic cable. Thus, independent claims 1 and 17 are patentable over Throckmorton et al. for at least this reason.

Furthermore, Applicants are unfamiliar with the Examiner's assertion that limitations which "merely contain functional language" are not to be given patentable weight. Accordingly,

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Applicants respectfully request the Examiner to provide support for such assertion by citing the relevant regulation, statute or case law. Regardless, the claimed limitations that the ferrule handling block and the splice cover handling block are "disposable" are not merely functional since the above components must be configured to support and protect the fusion spliced fiber optic connector *during the assembly process*, yet be disposable and therefore *not* remain with the completed fusion spliced fiber optic connector assembly so that the connector remains small enough to be useful for high density optical connections applications. Therefore, independent claims 1 and 17 are patentable for at least this additional reason. Claims 2-9 and 18-24 depend directly or indirectly from patentable base claims 1 and 17, respectively, and therefore are likewise patentable for at least the same reasons. Accordingly, Applicants respectfully request the Examiner to withdraw the instant rejection to the pending claims 1-9 and 17-24 under 35 U.S.C. 103(a).

Applicants expressly reserve the right to present additional arguments in support of the patentability of the pending claims 1-9 and 17-24 in the event that the Examiner disagrees with the arguments presented herein.

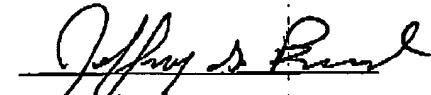
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## CONCLUSION

The presently pending claims 1-9 and 17-24 are allowable for at least the reasons stated herein. This response is being timely filed and is fully responsive to the Office Action. Accordingly, Applicants submit that the application is now in condition for immediate allowance, and the undersigned respectfully solicits such action on their behalf.

This response does not result in more independent or total claims than paid for previously. Accordingly, no fee for excess claims is due. The Examiner is hereby authorized to charge any other fee due in connection with the filing of this response to Deposit Account No. 19-2167. If an extension of time not already accounted for is required with this response, Applicants hereby petition for such extension of time and the Examiner is likewise authorized to charge the petition fee to Deposit Account No. 19-2167. Any overpayment should be credited to Deposit Account No. 19-2167.

Respectfully submitted,



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